

## REMARKS

Entry of the foregoing amendments after final rejection and reconsideration and withdrawal of the rejection and the allowance of all claims now pending in the above-identified patent application (*i.e.*, Claims 11, 13, 14 and 17-26) are respectfully requested in view of the following remarks.

At the outset, Applicant wishes to thank the Examiner for the indicated allowability of the subject matter of prior dependent Claims 12-16 as part of the final Office Action.

By the present amendments, Applicant has therefore amended independent Claim 11 to incorporate the allowable subject matter of prior dependent Claim 12, thereby effectively rewriting Claim 12 in independent form. It is now contended that newly-amended independent Claim 11 is in condition for allowance. Dependent Claim 12 has been formally canceled, while the dependency of Claim 13 has been amended so that this claim now directly depends from Claim 11. Claims 14 and 17-20 are each directly or indirectly dependent upon Claim 11.

Further, Applicant has added new independent Claim 21, which recites the indicated allowable subject matter of prior dependent Claim 15 in independent form, and is respectfully contended to be in condition for allowance at this time. New dependent Claims 22-26 directly depend from new independent Claim 21. (Dependent Claims 15 and 16 have been formally canceled.)

Entry of the foregoing claim amendments after final rejection is submitted to be appropriate, pursuant to 37 C.F.R. §1.116, in light of the Examiner's indicated allowable subject matter of the final Office Action, and that the proposed claim amendments place all remaining claims in condition for allowance on such indicated basis without requiring the Examiner to conduct a further search of the prior art.

Accordingly, it is respectfully submitted that Claims 11, 13, 14, 17-20 and newly-added Claims 21-26 are in condition for allowance and this time, and should be appropriately allowed.

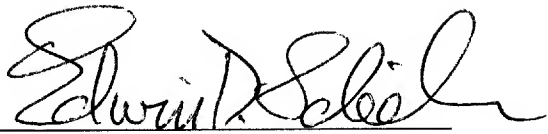
It is further contended that the Examiner's prior art rejection of the final Office Action has been rendered moot in light of the instant claim amendments.

In view of the foregoing, it is respectfully contended that all claims now pending in the above-identified patent application (*i.e.*, Claims 11, 13, 14 and 17-26) recite a novel and efficient pouring spout closure with a piercing edge cutting arrangement for composite packaging or containers sealed with a foil material, which includes a flange for welding onto a combipack or to a foil material of a container, and a combined lid and pouring nozzle that is rotatable horizontally on the flange for cleaning cutting an opening in such foil material, which is patentably distinguishable over the prior art. Accordingly, entry of the foregoing amendments after final rejection, withdrawal of the final rejection

and the allowance of all claims now pending are respectfully requested and earnestly solicited.

Respectfully submitted,

MARIO WEIST

By 

Edwin D. Schindler  
*Attorney for Applicant*  
Reg. No. 31,459

**PTO Customer No. 60333**

Five Hirsch Avenue  
P. O. Box 966  
Coram, New York 11727-0966

(631)474-5373

March 2, 2009

The Commissioner for Patents is hereby authorized to charge the Deposit Account of Applicant's Attorney (*Account No. 19-0450*) for any fees or costs pertaining to the prosecution of the above-identified patent application, but which have not otherwise been provided for.